

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
JUNE 24, 2003
DRAFT

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Pastor Shannon Day, Sovereign Grace Church at the invitation of Commissioner Rackleff. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- The attached resolution was presented in recognition of the efforts of the Zachary Yordon, a "mainstreamed kid," who graduated from High School. The Board recognized Zachary's family, his teacher, Mr. Gelebart, the Leon County School Board and Superintendent of Schools Bill Montford.
- The attached resolution was presented in honor of the retirement of Leon County employee Jesse Sasser, Public Works Operations Director after 22 years with the County.
- The attached resolution was presented in honor of the retirement of Leon County employee Broward Wilkes, Public Works, Chief of Right-of-Way and Survey Services, after 37 years with the County.
- The attached resolution was presented in honor of the retirement of Leon County employee James Jacobs, Public Works Senior Engineering Inspector, after 27 years with the County.
- The attached resolution was presented in honor of Duncan Moore, Executive Director of Tallahassee Memorial Hospital, in honor of his retirement after serving 17 years of dedicated service to the Leon County community. June 24, 2003 was proclaimed Duncan Moore Day.
- The attached resolution was presented for J. B. McCollum, former County Commissioner, for his service of 12 years to Leon County. His family was present to receive the resolution and extended their appreciation on behalf of Mr. McCollum. The Chairman noted that several dignitaries, friends and relatives were in the audience for the presentation.
- A resolution was scheduled to be presented to Dr. James Eaton, recognizing his many years of dedicated service with the Florida Black Archives Museum. Commissioner Proctor requested that this item be continued

- A presentation by the March of Dimes was made and an award was presented to Commissioner Thaeli for his continued support and commitment as Honorary Chairman to the March of Dimes and 2003 Walk America Campaign. A representative returned a photograph of "Baby Cliff" to Commissioner Thaeli, which was used when he was a March of Dimes Ambassador in upstate New York.

The Chairman announced that Commissioner Thaeli has been selected as President Elect of the Florida Association of Counties.

Commissioner Thaeli introduced two Summer Youth employees that would be working in his office, Jamie LaCivita and Sarah Goor.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve the following Consent Agenda with the exception of Items 8, 10, 12, and 13, which were addressed as described:

1. Approval of Minutes

The Board approved the following Minutes: April 24, 2003 Special Joint City/County Public Hearing 2003-2 Comp Plan Amendments; May 20, 2003 Regular Meeting; June 10, 2003 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted by the Clerk

The Board approved Option 1: Approve payment of bills and vouchers submitted for June 24, 2003 and pre-approve payment of bills and vouchers submitted for June 25 through July 7, 2003: \$3,315,147.78

3. Authorization to Perform Mid-Year Budget Adjustments

This agenda item seeks authorization from the Board to perform mid-year budget adjustments to ensure that the appropriate level of funding is available in line item operating and salary accounts. The agenda includes a General Fund Contingency Statement. The Board approved Option 1: Approve the attached budget resolution and associated budget amendments:

4. Ratification of Actions Taken at the June 10, 2003 Preliminary FY 2003/2004 Budget Workshop

The Board approved Options 1, 2, and 3: 1) Ratify actions taken at the Preliminary FY 2003/2004 Budget Workshop; 2) Direct staff to schedule the appropriate public hearings to revise the sales tax extension project list; 3) Approve the attached resolution R03-23 increasing the CST (Communications Services Tax) levy to the Charter maximum rate of 5.22 %:

5. Request to Reschedule Workshop on Review of Board-Appointed Citizen Committees and Government-in-the Sunshine Law Requirements from June 24, 2003 to July 8, 2003

The Board approved Option 1: Approve the request to reschedule the workshop on Board-appointed committees and Government in the Sunshine, Public Records and Code of Ethics Laws Requirements to July 8, 2003 from 2:00 – 3:00 p.m.

6. Approval of Resolution and Budget Amendment for Florida Department of Transportation (FDOT) Section 5311 Transportation Grant

The Board approved Option 1: Approve the attached budget amendment and associated budget amendment for Florida Department of Transportation (FDOT) Section 5311 Transportation Grant:

7. Approval to Schedule a Workshop and Presentation by the Center for Urban Transportation Research to Provide a Project Update on the Tallahassee-Leon County Corridor Management Program

The Board approved Option 1: Schedule a Workshop and Presentation by the Center for Urban Transportation Research to Provide a Project Update on the Tallahassee-Leon County Corridor Management Program for July 8, 2003 from 1:00 p.m. – 2:00 p.m.

8. Consideration and Agreement with the Request for Proposals (RFP) Scope of Services for Planning Consulting Services for Comprehensive Plan Reform Initiative

The Comprehensive Plan Reform project was initiated by the Tallahassee-Leon County Planning Commission to address problems that have been identified in the Tallahassee-Leon County Comprehensive Plan.

Chairman Grippa pulled this item and suggested that where there are differences in the County and the City Comprehensive Plan amendments, that attempts should be made to reach some sort of “middle ground.” Val Hubbard, Planning Director, explained that this has been noted and she would provide information showing the differences.

Commissioner Proctor indicated that the County should be part of the decision-making process when selecting a consulting firm from the RFP process and not the City alone. Ms. Hubbard stated that she would work with City and County Administration to ensure that both are participants.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Agree with the Planning Commission's Comprehensive Plan reform scope of services for planning consulting services, which will be issued under the City of Tallahassee's Request for Proposals process, with the addition that a joint City/County staff committee would be conducting the evaluation and final approval would be by both the City and County as equal partners.

9. Approval to Schedule Public Hearings on Proposed Zoning Code Text and Map Amendments to Implement the Woodville Rural Community Future Land Use

The Board approved Option 1: Approve staff's request to schedule public hearings on July 8, 2003 for consideration of the proposed Zoning Code text amendments, and schedule public hearings on September 23 and October 14, 2003 for consideration of the proposed Zoning Code map amendments to implement the Woodville Rural Community Comprehensive Plan Amendment.

10. Update of Bradfordville Settlement Agreements

This item involves a status report on the Bradfordville Settlement Agreements.

Commissioner Maloy pulled this item and asked about the closing date for selling this property to Mr. Kearney. County Attorney Thiele explained that there is no

specific closing date. Under the contract the party has 90 days within which to submit a site plan and there are 60 days for turning the site plan around and then 45 days thereafter to have the closing. At the latest, there are approximately five months until the closing date. Commissioner Maloy also discussed the various amounts that have been paid to homeowners associations and emphasized the importance of closing on the property as soon as possible to avoid further costs. He also asked that the County Attorney provide a breakdown on the costs paid to firms that were involved in the Sector Plan. Chairman Grippa requested that the County Attorney also provide the following information: Judgement from the Lauder case (including damage amount), and the Commissioners who voted for and against the Chapter 63 Agreement, and the Commissioners who voted against the stormwater study.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Thael was out of the Chambers), to approve Option 1: To accept the attached status report on the Bradfordville Settlement Agreements:

11. Acceptance and Recording of Two 30-Foot Drainage Easements for Tram Road Limited Partition

The grantor, St. Joe Timberland Company of Delaware, L. L. C., requests the Board accept and record the documents. The Board approved Option 1: Accept and record two 30-foot drainage easements for the Tram Road Limited Partition Subdivision.

12. Approval of Recording of Ox Bottom Reserve (a Public Residential Subdivision) and Acceptance of the Performance and Maintenance Agreement and Surety and Acceptance of Sidewalk Performance Agreement and Surety

The developer, Fred Turner, President of Turner Land Development, Inc., a Florida Corporation, requests the Board approve the documents as listed for recording of Ox Bottom Reserve Subdivision.

Commissioner Proctor pulled this item and inquired about the requirement for constructing sidewalks. He stated that some sidewalks do not serve a purpose and do not lead anywhere to be helpful. He suggested that instead of constructing a sidewalk where it is not needed, that a mechanism be put in place for a "payment in lieu" of a sidewalk.

Gary Yordon, representing Heritage Homes, appeared and stated that there are times during a project when something is required by Code but is not in the best interest of the citizens. He suggested that the Board consider a "fee in lieu of" ordinance because there are Public Works Projects that need funding and this would be a mechanism for doing that. This would create a fund that would be paid for by private developers when using the "fee in lieu of." Mr. Yordon stated that he is not referring to the internal sidewalks in the subdivision, which would remain in the project, but he is referring to a section of sidewalk, which the code calls for on Ox Bottom Road. The sidewalk would promote problems because it would be a short segment of sidewalk that starts at a soft shoulder and ends at a soft shoulder and it would promote a false sense of safety for pedestrians. He pointed out that if there was a commitment to pave the entire Ox Bottom Road, then this sidewalk would be appropriate, but there is no commitment at this time.

Commissioner Rackleff advised that the Comprehensive Plan requires sidewalks and urged the Board to adopt staff's recommendations.

The Board continued this item until after public hearing items, beginning with Item 33.

Tony Park, Public Works Director, explained that the proposed "in lieu of fee" is an option that could be utilized for other projects and could be used to enhance the Community Safety Mobility Program, which provides funds for traffic-calming devices and sidewalks. Gary Johnson, Community Services Director, responded to the Board's inquiries and affirmed that the funds that the developer would have used to build the sidewalk could be used as "payment in lieu of" for enhancement in other community mobility projects.

Commissioner Thaelf moved and was duly seconded by Commissioner Sauls to approve Options 1, 2, and 3: 1) Approve the plat of Ox Bottom Reserve for recording into the public records of Leon County; 2) Accept the Performance and Maintenance Agreement and Surety Device for Ox Bottom Reserve; 3) Accept the Sidewalk Performance Agreement and Surety Device for Ox Bottom; with the addition that staff bring back an agenda on the "payment in lieu of fee." The motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

13. Acceptance of Blueprint 2000 Stormwater Projects Status Report

This agenda item requests Board acceptance of the status report on the Blueprint 2000 Stormwater projects. The Water Quality Program, funded through the sales tax extension, was designated by the Board to implement specific projects as approved by the Intergovernmental Agency (IA, Blueprint 2000).

Chairman Grippa pulled this item and referred to page 4 of the agenda which explains the following: "The total costs for projects approved by the County Commission and the IA from the Water Quality Program is \$12.6 million. If the additional capital projects are approved, the total increases to \$21,025,000. The balance encumbered in the County Water Quality Program share would be \$3,975,000. This balance could provide a 16% contingency to complete the approved projects. At Board direction, additional capital projects could be developed to utilize the remaining balance." Chairman Grippa stated that he was opposed to 16% for cost overrun and would like to use the \$3,975,000 for projects not listed in the status report such as Circle "J" Drive and projects in Commissioner Sauls' District.

Commissioner Sauls moved and was duly seconded by Commissioner Winchester to approve Option 1, with the addition to change 16% to 6% (using 10% for other capital projects not listed in the status report): Option 1: Accept the Blueprint 2000 Stormwater Projects Status Report (which does not change the project list), and send a letter to the City requesting that they fully fund the Little Silver Lake project (as recommended by Commissioner Proctor). Staff was directed to look at including Upper Lake Lafayette as a capital project. The motion carried unanimously, 7/0.

14. Approval to Submit a Grant Application for Florida Department of Environmental Protection (FDEP) Waste Tire Grant

The Board approved Option 1: Approve the submittal of an application for FDEP Waste Tire Grant for FY 2003-2004.

15. Approval to Renew the Joint Usage Agreement Between the Leon County School Board and Leon County to Provide for Shared Use of Facilities

The Board approved Option 1: Approve the renewal of the Joint Use Agreement with the Leon County School Board for the period of July 1, 2003 through June 30, 2006.

16. Approval of Florida Department of Corrections' Interagency/Public Works Agreement to Utilize Inmates to Perform Stormwater Maintenance Work

The Board approved Option 1: Approve Florida Department of Corrections/Public Works Agreement to provide inmates to perform stormwater maintenance work at no cost to the County.

17. Approval of Joint Participation Agreement (JPA) and Scope of Services with the City of Tallahassee for the Design of Magnolia Drive and Lafayette Street

The Board approved Option 1: Approve the Joint Participation Agreement and Scope of Services for the design of the improvements at the intersection of Lafayette Street and Magnolia Drive.

18. Approval of Budget Resolution and Associated Budget Amendment in the Amount of \$40,000 to Provide Growth and Environmental Management (GEM) Permitting Fee Funds for Florida Department of Transportation (FDOT) Roadway Improvements

The Board approved Option 1: Adopt the attached resolution and budget amendment for \$40,000 to provide Growth and Environmental Management (GEM) permitting fee funds for Florida Department of Transportation (FDOT) roadway improvements.

19. Approval of Travel Expenses for Chairman Grippa to Attend the Greater Tallahassee Chamber of Commerce Community Conference in Panama City Beach, FL, from July 10-13, 2003

The Board approved Option 1: Approve the travel expenses to attend the Greater Tallahassee Chamber of Commerce 2003 Community Conference in Panama City, Florida, on July 11-13, 2003.

20. Approve of Travel Expenses for Commissioner Sauls to Attend the Greater Tallahassee Chamber of Commerce Community Conference in Panama City Beach, Florida from July 10 –13, 2003

The Board approved Option 1: Approve the travel request to attend the Greater Tallahassee Chamber of Commerce 2003 Community Conference in Panama City, Florida, on July 11-13, 2003.

Citizens to be Heard on Non-Agenda Items (3-minute limit; non-discussion by Commissioners)

County Administrator Alam explained that he has a speaker card from Dick Drennon, 6405 Fitz Lane, which stated that he had to leave by 7:00 p.m. The Board called his name but apparently he had left since it was past 7:00 p.m. The Chairman requested, in the future, that he be advised of any time constraints.

General Business

21. Consideration of Revisions to Board of County Commissioners Policy No. 03-02, Reimbursement of Attorney's Fees and Costs

This item involves whether or not to revise Policy No. 03-02, "Reimbursement of Attorney's Fees and Costs, adopted by the Board on January 14, 2003.

The revised policy provides under Section 4 that for any person who believes that he or she is allowed or entitled to repayment of reasonable attorney's fees and costs pursuant to the provisions of this policy, shall as a condition precedent to entitlement to such reimbursement, notify the County through its County Attorney, in writing within 10 days of such person's retention of private counsel; the applicant would put the County on notice that retention of private counsel has occurred, and that a request for reimbursement may be submitted in the future should entitlement subsequently be established by the applicant. The notification provision also allows the County to put its insurance carrier on notice that a claim or demand may be forthcoming. Section 4 also proposed the amendment to impose a threshold requirement, wherein the applicant is required to notify the County if fees and costs expended exceed \$5,000 in writing to the County Attorney and establish good cause why the threshold amount was exceeded. The proposed revision also amends the definition of "Reasonable Attorney's Fees" and it places a cap that fees are not to exceed \$175 per hour.

The Board engaged in a lengthy discussion regarding "reasonable" costs of attorneys and the possibility of retention of two or three attorney that are selected by the County Attorney. County Attorney Thiele explained that the subject matter of each case could involve attorneys specializing in certain areas such as criminal, civil damages, labor law, contract law, etc. and therefore it would be impossible to retain such an exhaustive list of attorneys to select from. He explained that the rate of \$175 per hour charged by attorneys in Leon County is a good rate for government work.

Commissioner Proctor inquired about the case that was pending against him now, going on since 1998, and stated that his attorney was in excess of \$175 per hour and it was under the old policy. Mr. Thiele responded that the proposed policy would apply prospectively and would therefore not apply to his case. Mr. Thiele also pointed out that because of the same reason, no one on the Board would have a conflict of interest in voting on this item.

Commissioner Proctor moved and was duly seconded by Commissioner Maloy to deny the item.

The Board briefly discussed the County Attorney's authority to hire outside counsel for various things and the rate that he is allowed to charge. The Chairman pointed out that this is a discussion for a later date and is not germane to the subject matter since the policy involves ethics complaints. Mr. Thiele stated that his office uses outside counsel and the rate runs from \$80 to \$225 per hour, but most are around \$150 per hour. He stated that he does not believe that \$175 per hour is an unreasonable rate as listed in the proposed policy and the reason the Board wanted the policy was so there would be some control mechanism for attorney's costs and fees before reaching excessive amounts.

Commissioner Proctor stated, for the record, that he was concerned about the differential that the County Attorney can go above \$175 per hour for

representation and that a Commissioner or employee is limited to that hourly rate.

It was noted that the County reimburses criminal charges but the City does not. Mr. Thiele explained that it is the law in Florida to do so. The Chairman requested that Mr. Thiele contact the City Attorney, Jim English, regarding this issue.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Rackleff to approve Option 1: Adopt the proposed amendments to Policy No. 03-02, Reimbursement of Attorney's Fees and Costs. The substitute motion carried 5 – 2 (Commissioners Proctor and Maloy voted in opposition).

22. Approval of Southeast Farm/Sprayfield Memorandum of Agreement with the City of Tallahassee

On April 23, 2003, the City Commissioner conceptually approved a draft agreement between the City of Tallahassee and Leon County regarding the buffers and future use of the Southeast Farm (the "Southeast Sprayfield"). Since that time, Commissioner Thael and County staff, along with representatives from the Southeast Leon County Neighborhood Association, have met several times with City Commissioner Katz and City staff to discuss concerns of the City and the nearby residents. The concerns addressed by the residents and Leon County have been addressed in the proposed Memorandum of Agreement and the agreement represents a compromise between the parties, and has the support of Commissioner Thael and the neighborhood representatives. The agreement was approved by the City Commission on June 11, 2003.

Commissioner Thael commended various citizens, and recognized fellow Commissioners for assisting him in reaching an amicable agreement with the residents and the City of Tallahassee regarding the sprayfield buffer, which has been an ongoing issue for years.

The following speakers appeared and commended the Board for their assistance:

Kittie Carter, 6550 Hidden Lakes Drive, Southeast Homeowners Association, thanked Commissioners and their Aides for their assistance.

Carol Kio-Green, 4823 Sullivan Road, thanked the Board for their efforts.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Approve the Leon County and City of Tallahassee Southeast Sprayfield Memorandum of Agreement.

23. Authorization to Execute the Proposed Interlocal Agreement for Planning with the City of Tallahassee

Alan Rosenzweig, Office of Management and Budget, explained the item and differences from the existing agreement involving the allocation of costs between the City and the County.

Commissioner Sauls moved and was duly seconded by Commissioner Thael to approve Option 1: Approve the Interlocal Agreement with the City of Tallahassee relating to Planning and Zoning for a period of October 1, 2003 through September 30, 2006. The motion carried unanimously, 7/0.

24. Status Report on the Emergency Medical Services (EMS) Negotiations with the City of Tallahassee

Vince Long, Assistant County Administrator, and Joe Sharp, Director of Health and Human Services, provided a presentation and summary of the County's negotiations with the City and listed the County's options as explained in the agenda and additional agenda material. It included the chronology of events and listed Options 1, 2, and 7"

Option 1 - Authorize the County Administrator to convey the consultants' model and the '25-25-50" costs savings as the final proposal to the City Manager for City Commission consideration

Option 2 - Direct the County Administrator to request a proposal from TMH for continuation of EMS operations

Option 7 - Direct the County Administrator to create a County-run EMS Department to provide emergency medical and transport services to the citizens of Leon County

Staff recommended approval of Option 7.

Mr. Long illustrated the differences between the recommendations of the consultants, Fitch and Associates, and the City's request for additional provisions in the agreement that included full recovery costs, a true up mechanism, for the County to put total operating costs in a trust fund, and an opt-out provision for the MSTU.

The following speakers appeared:

Witt Skiver, 6051 Kennelly Court, paramedic, urged the Board to make a decision soon.

Ed Depuy, 1104 Coe Landing Road, provided a brief summary of the EMS issue and the work of the Emergency Medical Services Advisory Council. He encouraged the Board make a decision for the paramedics and the citizens.

Dan Abel, 2415 Tree Top Court, paramedic, expressed support for the Tallahassee Fire Department to be responsible for EMS.

Carol Kio-Green, 4823 Sullivan Road, voiced support for a County operated EMS.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1 with certain revisions: Authorize the County Administrator to convey the consultants' mode and the "25-25-50" cost savings, with quarterly pre-payments, requiring a response from the City by Thursday,

June 26 at Noon as the final proposal to the City Manager for City Commission consideration; if the City does not respond by the deadline, then authorize the County Administrator to implement Option 7 – Direct the County Administrator to create a County-run EMS Department to provide emergency medical and transport services to the citizens of Leon County.

Commissioner Sauls moved a substitute motion, seconded by Commissioner Rackleff to approve Option 7: Direct the County Administrator to create a County-run EMS Department to provide emergency medical and transport services to the citizens of Leon County.

Chairman Grippa wanted to know if there was going to be a cost restraint and asked if the Board still wanted to have a County EMS if the cost ended up being as high as \$12 – \$15 million. He pointed out that if the Board chooses to use the existing provider, Tallahassee Memorial Hospital (TMH), the paramedics would already be employed.

Mr. Long explained that it would take approximately \$1 million less for the County to run it than what the City has offered and it would set the millage rate at .31 mill instead of .41 mill. He also explained that the County could operate the EMS a little cheaper than TMH could.

Chairman Grippa asked how much in the aggregate would it cost the County to fund the EMS and Mr. Joe Sharp explained that it would cost \$7.2 million.

Mr. Alam and Mr. Sharp also explained the various improvements and responsibilities which would include 11 new ambulances, assume responsibility for billing and collections, medical direction and management; additional employees in the dispatch center; and there would be 800 megahertz for the system. Mr. Sharp pointed out that TMH does not have sovereign immunity like the County has and it costs thousands of dollars for TMH to obtain liability coverage. The County plans to spend \$100,000 amortized over five years, for communications and the Sheriff's Office will handle the dispatch, which will improve response time for the unincorporated area.

Commissioner Thael moved a friendly amendment, which was accepted by Commissioner Sauls, to direct staff to give preferential hiring to existing TMH paramedics/EMTs.

The Board engaged in discussion regarding first responders and County Administrator Alam explained that 98 % of the time, the ambulance was the first responder. Chairman Grippa indicated concern that the Fire Department could arrive first on some occasions and would not be able to administer ALS (advanced life support) since fireman are not trained for ALS. He suggested pursuing this matter with the City.

Chairman Grippa stated, for the record, that if the City does not pass the MSTU (municipal services taxing unit) then they would be causing property taxes to be raised.

County Administrator Alam explained that ambulances would be placed around, possibly at the fire stations, City Hall, Courthouse, depending on the demand, which is determined by the GIS (Geographic Information System).

Chairman Grippa asked that the motion include pursuing with the City, the need for the Fire Department to be trained in ALS and request that the City approve the MSTU. The Board concurred.

The Chairman announced that the motion on the floor is to approve a County EMS system (with Joe Sharp providing details at the next Board meeting on July 8, 2003); ask the City to approve the MSTU; request the City to provide ALS - first response training for fire fighters, preferential hiring of TMH paramedics/EMTs; and the Sheriff's Department would provide dispatch.

Ms. Roush, TCH, stated that the hospital fully supports the County operating the EMS and would do whatever they could to support the County in implementing the system. She stated that the EMS advisory counsel supported the negotiations with the City but it was evident that communications were breaking down. She stated that she had full confidence that the County would do a good job in establishing the County EMS System.

The substitute motion with the amendments carried unanimously, 7/0.

25. Approval of Contract with Air Methods Corporation for the Delivery of Air Ambulance Emergency Medical and Transport Services

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 1: Approve the Air Methods Corporation contract to provide air ambulance emergency medical and transport services to Leon County and approve the issuance of a Certificate of Public Convenience and Necessity and authorize the Chairman to execute. The motion carried unanimously, 7/0.

26. Approval to Issue a Request for Proposal (RFP) for Relocation Sites for Growth and Environmental Management (GEM)

This item seeks the Board's approval to issue RFPP (request for property proposals) for the County's GEM offices.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried 6 – 1 (Commissioner Rackleff voted in opposition), to not proceed any further with pursuing with new space for Growth Management (not to proceed with the issuance of RFP). Commissioner Rackleff stated that he felt that this was an opportunity for the County to make an investment in the Southside.

27. Approval of Voluntary Contraction (De-annexation) from the City of Property (14 acres) Located Adjacent to the Alford Arm Greenway

This item involves Board review of the voluntary contraction from the City by the owner of approximately 14 acres of property adjacent to the Alford Arm Greenway. The property contains one residential structure. On November 30, 2003, the City Commission adopted Ordinance No. #01-0-24 Voluntary

Annexation of Buck Lake/Goose Creek/State of Florida Alford Arm Greenway. The annexation consisted of approximately 1,200 acres and was owned by several individuals and the State of Florida. City staff was advised that one 14-acre parcel under private ownership was inadvertently annexed. The property owner has petitioned to have this property contracted (de-annexed).

Commissioner Sauls moved and was duly seconded by Commissioner Thael to approve Option 1: Do not object to the City contraction of the property.

The motion carried unanimously, 7/0.

28. Approval of Voluntary Annexation of Ox Bottom Reserve Subdivision (12.5 Acres)

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Option 1: Do not object to the voluntary annexation of Ox Bottom Reserve Subdivision.

The motion carried 6/0 (Commissioner Sauls out of Chambers).

29. Consideration of Voluntary Annexation to the City of Property Located North of Gearhart Road and West of Mission Road (9 acres)

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Object to the City annexation of the property based on concerns of the County Attorney that an enclave is created; initiate mediation between the County Commission Chairman and the Mayor as set forth in the Comprehensive Plan.

Following some discussion, the Board indicated that their intent was to not object to the annexation.

Commissioner Winchester withdrew his second to the motion, therefore the motion on the floor was dead.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Option 2: Do not object to the annexation.

County Attorney Thiele advised that his office recommended that the Board object to the annexation based on concerns that an enclave would be created. He wanted to know if it was the Board's philosophy to not object to any annexation because staff is spending a lot of time analyzing whether the annexation request meets Chapter 171.

Commissioner Winchester indicated that there appears to be aggressive annexation efforts in the northeast, which would justify the need for recreational activities, including a park. He encouraged the City to give consideration to this issue.

The motion on the floor carried 6 – 1 (Commissioner Thael opposed).

30. Consideration of Modifications to the Land Development Code to Address Protection of Cultural Resources

This item seeks Board direction of modifications to the Land Development Code, particularly in the Environmental Management Act, to better define cultural resources and to set forth protection standards for significant cultural resources.

Commissioner Sauls moved, duly seconded by Commissioner Thael to approve Option 1: Direct staff to have the Planning Commission perform a consistency review of the proposed Ordinance and then proceed to two Public Hearings. The motion carried unanimously, 7/0.

31. Consideration of a Proposed Redevelopment Ordinance

The proposed ordinance would amend Chapter 10, Land Development Code (LDC) of Laws relating to the Environmental Management Act by adding a new section to the LDC addressing redevelopment. Although redevelopment issues are already addressed in various sections of the LDC to a limited degree, the proposed ordinance would cover several additional matters.

Ms. Carol Kio-Green, 4823 Sullivan Road, stated that she objected to the proposed ordinance and indicated that incentives were already in place. She suggested that the Board treat the urban services area different than the rest of the unincorporated area community. She urged the Board to look at the definition of new development that is in the Comp Plan.

Mr. John Kraynak, GEM, explained that the proposed ordinance mirrors the City's ordinance only it has greater environmental restrictions.

Ms. Kio-Green also referred to Item 30 and stated that there is some overlap in the proposed ordinance; there is a definition for cultural resources and significant cultural resources and at least one paragraph that confuses the two. The County Attorney would review the issue.

Mr. Kraynak explained that if they meet the definition of redevelopment today, all of the EMA applies; the 40 percent canopy coverage does apply and all of those landscaping provisions apply. Commissioner Rackleff indicated that he would be more comfortable with 20 percent canopy coverage in the ordinance. Commissioner Rackleff also felt that there was relaxation of stormwater requirements and suggested that in the interim, while it goes through the review process, that staff look at some of these issues to ensure that more problems are not created.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Recommend the proposed Redevelopment Ordinance be considered for consistency review by the Planning Commission and two Public Hearings.

32. Expirations, Vacancies, and Appointments to Various Boards and Committees

- Adjustment and Appeals Board:
Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to reappoint Hank Rye.
- Architectural Review Board:
The Board continued the appointment.
- Bradfordville Community Center Board of Directors:
Commissioner Proctor reappointed Jim Godfrey; Commissioners Sauls reappointed Bill Roberts; Commissioner Winchester reappointed Annelie Baldwin.
- Contractors Licensing and Examination Board
Commissioner Sauls requested to continue to the next meeting, July 8, 2003.
- Science Advisory Board
Commissioner Proctor continued.
- Workforce Development Board (BBJEC)
Commissioner Thael appointed Lee Harvey.

Scheduled Public Hearings, 6:00 p.m.

33. Second and Final Public Hearing on Rezoning Application Initiating Comprehensive Plan Map Amendment on Property Lying South of Perkins from Lake Protection to Residential

Pursuant to legal advertisement, the second public hearing was conducted. This item is the second and final public hearing on a rezoning application (40.2 acres) implementing a future land use map amendment request from Lake Protection to Residential Preservation in the Perkins Closed Basin.

Terry Basham, 4131 Roweling Oaks Court, appeared and stated that he was representing the neighborhood and urged the Board to approve the rezoning. He explained that this item has been pending for 8 years and involved an agreement between the residents, a developer, and the County.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, to approve Option 1: Conduct the second and final public hearing and adopt the attached Leon County Ordinance amending the Official Zoning Map from Lake Protection to Residential Preservation. See attached Leon County Ordinance Number 03-17:

34. Public Hearing on Proposed Inclusionary Housing Ordinance

Pursuant to legal advertisement, the first of two public hearing was conducted to consider adoption of the Inclusionary Housing Ordinance.

The following citizens appeared and indicated opposition to the proposed ordinance. Some of the reasons expressed were: conflicting issues in the ordinance, not adequate notice to the community, it penalizes the developer, allegations that it could possibly jeopardize Sadowski Act funding for affordable housing, and that a better ordinance could be formulated to meet the needs of the community.

John Koelemij, 1006 Gardenia Drive (member of original review committee)

Ed Dion, 1105 Lothian Drive (member of original review committee)

Kevin Koelemij, Approval Realty Consultants

Ms. Jaimie Ross, 926 E. Park Avenue, appeared and explained that she was part of the committee that was formed to consider an inclusionary housing ordinance. She advised the Board the proposed ordinance would not jeopardize Sadowski Act funding and recommended that if the Board chose to adopt an inclusionary housing ordinance, that the proposed one would be the most effective.

Commissioner Proctor advised that he would not support a measure that would cap the appreciation of the so-called inclusionary (affordable) house noting that the inclusionary (affordable) home would not be allowed to appreciate commensurate to the surrounding homes.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing on the proposed Inclusionary Housing Ordinance and announce the second public hearing will be held on July 8, 2003 at 6:00 p.m. The Chairman advised that Tony Biblo, Planning Department, would provide detailed description of the ordinance at the second public hearing. Commissioner Proctor wanted an explanation as to why the affordable homes could not be sold within a certain time frame and the owner receive equity like others in the neighborhood.

Commissioner Thael suggested that in the interim, prior to the final public hearing, that dialogue occur between those interested in the proposed ordinance so they can voice their comments and at that time that Tony Biblo, Planning Department, provide a detailed description of the ordinance. Chairman Grippa stated that he was not prepared to vote for approval of the ordinance at this time and would comment on it at second public hearing.

35. Public Hearing to Consider Adoption of Proposed Ordinance for the Establishment of rural Road Designations in the Bradfordville Area with Associated Development and Regulatory Provisions

Pursuant to legal advertisement, a public hearing was conducted on a proposed ordinance to establish development and regulatory provisions for designated

rural roads in the Bradfordville area. There are five roads in the Bradfordville area that would fall in the category of rural roads.

- Bradfordville Road, from its intersection with Velda Dairy Road to Centerville Road
- Roberts Road, from its intersection with Centerville Road to its termination
- Proctor Road, from its intersection with Thomasville Road to Roberts Road
- Grenville Road, from its intersection with Pisgah Church Road to Proctor Road
- Pisgah Church Road, from its intersection with Bradfordville Road to its termination at Pisgah Church

Russell Price, 241 John Knox Road, representing Celebration Baptist Church, which owns 100 acres on Proctor Road at the intersection of Proctor Road and Centerville Road and plans to build a church facility. He stated that he did not fully understand the implications and definition of "rural road" and wanted to ensure that the church was not prohibited from certain things. He voiced the following concerns:

- Limiting the road to two-lanes road and the limitation would run 12 ½ years
- Curb and gutter would not be allowed
- 75 foot setback from the centerline would prohibit certain structures – what are those structures
- Removal of vegetation from within 75 feet of the center line would not be allowed – could undergrowth/kudzu in the ditches leading to the church be mowed down
- Off-sight or advertising signs would not be allowed within 200 feet from the centerline

Mr. Price explained that the church does not have a plan but they are concerned that the limitations could have a detrimental affect on the their investment in the 100 acres.

Chairman Grippa and the County Attorney concurred that there was nothing in the rural road designation that would prohibit Celebration Baptist Church from moving to the 100-acre site. It was noted that the rural road designation, from the County's standpoint, does not include plans to widen Proctor Road in the 20-year Program. David McDevitt, GEM, explained that the only prohibition is against travel lanes but there is no prohibition against intersection improvements including turning lanes.

County Attorney Thiele stated that without a site plan, it was difficult to discuss the impact and suggested that if Mr. Price has a conceptual idea about the project, that he meet with David McDevitt, GEM, and/or himself between now and the July 8th second public hearing. Mr. Price would meet with them to attempt to fully understand the impact of the proposed ordinance.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Options 1 and 2: 1) Conduct the first of two public hearings on the proposed Bradfordville Rural Road Designation Ordinance; 2) Notify the public

that the second public hearing on the proposed Bradfordville Rural Road Designation Ordinance is scheduled for July 8, 2003 at 6:00 p.m.

36. Public Hearing on Proposed Special Assessment Liens and Adoption of Non-Ad Valorem Assessment Roll for The Glen at Golden Eagle, Phase I, 2/3 – 2/3 Project

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Winchester was out of the Chambers), to approve Options 1, 2, 3:

- 1) Conduct the public hearings regarding imposition of Special Improvement liens and adoption of a non-ad valorem assessment roll for The Glen at Golden Eagle, Phase 1, 2/3 - 2/3 Project
- 2) Adopt the attached Special Improvement Assessment Resolution (R03-) pursuant to Chapter 16-30, Code of Laws, Leon County, Florida
- 3) Adopt the attached Non-ad Valorem Assessment Resolution R03 – pursuant to Section 197.3632, Florida Statutes:

37. Public Hearing on Proposed Special Improvement Liens and Adoption of Non-Ad Valorem Assessment Roll for the Frontier Estates, 2/3 – 2/3 Project

The following citizens appeared and indicated that after the County had constructed the improvements, there were two 100-year storm events and the flooding is now worse than it was prior to the improvements. Pictures of the area were presented and citizens indicated that they were not opposed to the assessment roll but wanted the flooding problems resolved. The citizens below appeared and advised that they were not opposed to the project but wanted to have the flooding problems addressed. They recently discussed the problem with Tony Park, Public Works Director, and were told that the problems would be addressed.

Richard Noakes, 6752 Longhorn Drive

Wafa Elsaka, 6747 Longhorn Drive

Geneen Simmons, 1894 Rodeo Drive

Mr. Brown, 1804 Rodeo Drive, requested that a couple more fire hydrants be put near his home and possibly sidewalks could be constructed in the near future.

Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 4/0 (Commissioners Grippa, Maloy and Proctor were out of the Chambers), to approve Options 1, 2, and 3:

- 1) Conduct public hearings regarding imposition of special improvement liens and adoption of a non-ad valorem assessment roll for the Frontier Estates 2/3 – 2/3 Project
- 2) Adopt the Special Improvement Assessment Resolution R03 – pursuant to Chapter 16-30, Code of Laws, Leon County, Florida
- 3) Adopt the attached non-ad valorem assessment resolution R03- pursuant to Section 197.3632, Florida Statutes:

The Board resumed discussion of Item 12.

38 - Add-On Item (Chairman Grippa):

Consideration of a Request to Reschedule the Interlocal Agency Meeting from September 15, 2003 to September 9, 2003

The City has requested to reschedule the IA meeting. It was the consensus of the Board to not reschedule the IA meeting and keep with the current schedule, conducting the meeting on September 15, 2003.

Add-On

- a. Acceptance of the Florida Department of Community Affairs (FDCA) Emergency Management Preparedness and Assistance (EMPA) Competitive Grant for the Capital Area Flood Warning Network

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, to approve Option 1: Accept the Florida DCA/EMPA Competitive Grant Program funding award of \$258,747 for the Capital Area Flood Warning Network, and authorize the Chairman to execute the grant contract.

- b. Request to Approve the Issuance of a Temporary Certificate of Occupancy (CO) for the WFSU Transmitter Facility and Broadcast Tower

This item is about granting support to the issuance of a temporary CO by the FSU Building Inspection Office for the WFSU Transmitter Facility and Broadcast Tower, which was constructed without site plan approval or permits. A temporary CO can not be issued without local site plan, environmental and septic tank permit approvals. Broadcast towers and ancillary facilities require approval by the Board.

Mr. Gary Johnson, GEM Director, explained that WFSU has constructed an 824-foot tall broadcast tower that included a 1,500 square foot building, water well with a proposal to construct a septic tank located in Appalachian National Forest, and did so without proper permitting (Type C development plan pre-application requirement, including the environmental and septic tank permitting). The FSU Building Inspection would actually issue the CO but they still must go through site plan and environmental review. County Attorney Thiele advised that they have approval from the FCC but they cannot obtain electricity unless a temporary CO is approved.

Commissioner Proctor moved and was duly seconded by Commissioner Winchester to deny the request for the issuance of a temporary Certificate of Occupancy to the WFSU Transmitter Facility and Broadcast Tower by the FSU Building Inspection Office, while the site plan, environmental and septic tank permit are being processed.

Mr. David McDevitt, GEM, explained that when the party came to obtain a septic tank permit from the Health Department and zoning clearance from GEM, staff became aware of the issue.

The motion on the floor carried unanimously, 7/0.

Discussion Items by Commissioners

Commissioner Sauls

Advised that Commissioners received a request for \$500 for Messer Junior Major Ball Baseball Park. Commissioner Sauls presented the written request to the County Administrator and Commissioners noted that it had already been presented to staff.

Commissioner Winchester

- a. Advised that he received a request from the seller of property located across from Lake Jackson who is considering development of the property. Commissioner Winchester recommended working with the landowner to determine if there are alternatives to pursue such as obtaining a Florida Communities Trust (FCT) application for purchase or a donation for a park or other use by the landowner that would allow a tax credit or other advantage. Staff would evaluate and advise.
- b. Commended the Chairman regarding the EMS issue.

Commissioner Rackleff

Reminded the Commission that this Saturday, June 28, 2003, there would be a dedication ceremony for new Chaires-Capitola Volunteer Fire Department substation at 6370 Williams Road. Staff will also be honoring the generosity of St. Joe/Arvida for donating two acres for the substation.

Commissioner Proctor

- a. Asked that staff expedite the review of the 700 acres located at the Wakulla/Leon County border and noted that the Board has made this request three times.
- b. Requested that staff bring back a review of total compensation package for Commissioners for next year including travel and car allowance.

Commissioner Thael

Thanked the Board for their support regarding the Sprayfield issue.

The Board congratulated Commissioner Thael on his appointment to the Florida Association of Counties Chairman Elect.

There being no further business to come before the Board, the meeting adjourned at 10:43 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court